



March 21, 2018

Committee on Energy and Commerce  
House of Representatives  
2125 Rayburn House Office Building  
Washington, DC 20515

Re: Letter of March 7, 2018

Dear Committee on Energy & Commerce:

USA Basketball is committed to the safety and well-being of athletes and all others involved in our organization. This includes protecting athletes from sexual misconduct and abuse.

By way of background, USA Basketball is structured differently than many other National Governing Bodies (“NGBs”) in the United States in that we do not offer individual memberships. Rather, USA Basketball is an association of associations, in that our members are organizations. Our organizational membership is comprised of professional, collegiate, scholastic, youth and associate members (see Article 6 of USA Basketball’s Constitution, Exhibit D). We cannot emphasize enough that we understand the gravity of the responsibility we have to those involved with USA Basketball, including our National Teams and our youth development programs.

Accordingly, USA Basketball has been proactive in addressing issues surrounding athlete safety and prevention of misconduct. In fact, USA Basketball expanded the definition of Covered Individuals to those that apply and receive its Coach License. We hope our responses to your letter of March 7, 2018, show you that USA Basketball has consistently worked to protect its athletes and to ensure that any allegations of sexual abuse are addressed promptly and appropriately. We certainly remain steadfast in improving our policies and processes.

Below are responses to the requests in your letter, noting that USA Basketball uses the terms “sexual abuse” and “affiliates” as defined in that letter, unless otherwise noted.

**1. Copies of all policies and procedures produced or used by your NGB from 2005 to present regarding abuse prevention policies, including how to handle reports, complaints, or allegations of sexual abuse, including all documents or communications to or from your NGB, including with the USOC, regarding changes to those policies and procedures. Please specify if a policy or procedure is required or recommended.**

Please see Exhibits A-G, Bates Nos. USAB\_00000001-00000212. These include:

- SafeSport Program Handbook (Exhibits A1-A4, including versions from 2005 to present)
- Coaches Code of Conduct (Exhibit B)
- Employee Handbook (Exhibits C1-C3, including versions from 2005 to present)
- USA Basketball Constitution containing 2017 SafeSport language amendments (Exhibit D)
- Background Check and SafeSport Policy Flow Chart (Exhibit E)
- Internal procedures (Exhibit F)
- SafeSport Intake form (Exhibit G)

All of these documents include policies regarding abuse prevention, whether specifically directed at sexual abuse or more generally at misconduct, which would include sexual abuse. USA Basketball's SafeSport Program Handbook ("Handbook") most directly addresses sexual abuse of athletes and how to handle reports, complaints, or allegations of sexual abuse. In 2012, the USOC mandated that each NGB adopt SafeSport policies, procedures and guidelines. USA Basketball already had policies and procedures in place outlining certain disciplinary conduct violations, and these procedures covered a number of violations that are today addressed through the Center's SafeSport policies. After receiving the USOC's mandate, USA Basketball developed and adopted its SafeSport procedures.

USA Basketball is in the process of reviewing and preparing additional relevant communications in response to this request, and will forward those documents by March 30, 2018.

**2. Copies of all training, education, or other informational materials provided to athletes or anyone involved in your NGB including coaches, trainers, athletic officials, medical professionals, USOC staff, NGB staff, members of the NGB or USOC boards, volunteers, or athletes' parents (hereinafter "affiliates") regarding how to report and handle complaints of sexual abuse.**

Please see Exhibits H1-H3, Bates Nos. USAB\_00000213-00000261, which include USA Basketball's SafeSport educational materials.

Please also see the training provided by the USOC at the following link:

<http://safesport.org/authentication/register?token=47b08969-55c0-4964-ba37-1f18cc4a16fc>. USA Basketball allows for required SafeSport training components to be completed through the USOC training.

In addition, the USA Basketball SafeSport Program Handbook, Constitution, Code of Conduct, and Coaches Code of Conduct are available to anyone online at:

<https://www.usab.com/about/online-forms-and-apps/usa-basketball-safesport-handbook.aspx>,  
<https://www.usab.com/about/about-usa-basketball/constitution.aspx>,  
<https://www.usab.com/basketball/media/pdfs/selection-procedures/usa-basketball-code-of->

[conductpdf.aspx](#), and <https://www.usab.com/youth/development/coach/coaches-code-of-conduct.aspx>.

**3. All documents and communications regarding policies, procedures, or guidance provided to your NGB by the U.S. Center for SafeSport regarding how to handle reports, complaints, or allegations of sexual abuse since the U.S. Center for SafeSport was launched in 2017.**

Please see Exhibits I1-I13, Bates Nos. USAB\_00000262-00000523. This includes responsive documents that USA Basketball found based on a reasonable search within the timeframe provided and may be updated with additional communications by March 30, 2018.

**4. Has the USOC required or recommended that your NGB adopt changes to your bylaws, policies, procedures, or other governing documents from 2005 to present. If so, please describe any changes so required or recommended.**

In 2012, the USOC mandated that each NGB adopt SafeSport policies, procedures and guidelines. At the time, USA Basketball had policies and procedures in place outlining certain violations that gave USA Basketball disciplinary authority over individuals, and these procedures covered a number of violations that are today addressed through the Center's SafeSport policies. After receiving the USOC's mandate, USA Basketball developed and adopted its SafeSport procedures. USA Basketball's SafeSport Program Handbook is included as Exhibit A1, Bates Nos. USAB\_00000001-00000026.

The USOC also required that USA Basketball change the size of its Board in 2008 in line with new "best practices," and required changes in 2017 to the USA Basketball Constitution to add reference to the U.S. Center for SafeSport (the "Center"). Please see Exhibit J, Bates Nos. USAB\_00000524-00000528, showing the 2008 board composition amendments to the Constitution, and Exhibit K, Bates Nos. USAB\_00000529-00000534, showing the 2017 SafeSport amendments.

**a. Please provide all documents and communications related to any changes required or recommended by the USOC referring or relating to sexual abuse.**

Please see Exhibits L1-L2, Bates Nos. USAB\_00000535-00000538. This represents responsive documents that USA Basketball found based on a reasonable search within the timeframe provided and may be updated with additional communications by March 30, 2018.

**5. Detailed data to demonstrate the number of reports, complaints, or allegations of sexual abuse made to your organization and the handling of that information. Please provide the following information, by year: the total number of written and oral reports, complaints, and allegations received by your NGB regarding sexual abuse; the number of cases and investigations opened; the number of written and oral reports, complaints, and**

**allegations referred to law enforcement; the number of cases shared or discussed with the USOC; the number of cases and investigations resolved, including the manner of resolution; the number of suspensions and lifetime bans issued; the number of cases in which no action was taken by the NGB after receipt of written or oral reports, complaints, or allegations; and all other information necessary to demonstrate the organization's handling of these cases.**

Please see Exhibit M, Bates No. USAB\_00000539. In addition to responding to reports, complaints, or allegations of sexual abuse that are made directly to USA Basketball, USA Basketball also monitors the media regarding the sport of basketball and misconduct by individuals who are potentially under USA Basketball's purview. The chart includes cases that came to USA Basketball via these avenues, as well.

**6. Does your NGB maintain a list of individuals banned or suspended from participation with your NGB (hereinafter "list" or "lists")?**

- a. Please describe any lists that your NGB maintains and when you began maintaining any such lists.**
- b. Please describe the circumstances that would result in a name being added to any such list.**
- c. Are the lists publicly available? If so, when did your NGB make them publicly available? If the list or lists are not made publicly available, please explain why not.**
- d. How often is such a list or lists updated?**
- e. How many people are on each of the lists because of a matter related to sexual abuse?**

USA Basketball maintains two public lists, one for banned and suspended individuals (<https://www.usab.com/youth/safesport/disciplinary-records.aspx>), and one searchable list whereby the public can confirm whether an individual has a current and valid coach license (<https://community.usab.com/searches/coach>). Banned and suspended individuals are added to the first list as soon as possible following such a ban or suspension. Currently, USA Basketball has only one individual, Greg Stephen, listed on either its banned or suspended lists. Upon learning of that law enforcement authorities had confiscated child pornography from Mr. Stephen's home, USA Basketball reported the matter to the U.S. Center for SafeSport, pursuant to USA Basketball's and the Center's policies. The Center issued an interim suspension for Mr. Stephen, which USA Basketball immediately enforced. There are two other matters pending before the Center, and once USA Basketball receives a determination from the Center, we will update our list accordingly.

**7. Does your NGB keep records regarding non-member athletes or affiliates who would be ineligible to participate or otherwise be involved with your NGB based on disciplinary actions outside of your NGB's jurisdiction?**

**a. If so, how many individuals have been determined to be ineligible for membership with your NGB?**

Unlike most of the other NGBs, USA Basketball does not have individual members. However, USA Basketball will mirror and reflect any sanctions imposed by the U.S. Center for SafeSport, which means that any individual who has been banned or suspended by the Center would be ineligible to participate or otherwise be involved with USA Basketball. USA Basketball receives updates from the Center regarding suspended or banned individuals every two weeks and maintains these updates in its records.

USA Basketball also offers a youth coach licensing program, which includes a thorough criminal background check that updates every 30 days. USA Basketball also conducts background checks of other individuals involved with USA Basketball. USA Basketball also considers criminal records that may not be covered by a background screen, and USA Basketball does keep records of eligibility decisions that it has made on the basis of these criminal records.

**8. What has the policy of your NGB been to inform the USOC of reports, complaints, or allegations of sexual abuse from 2005 to present?**

USA Basketball does not have a formal policy on informing the USOC of reports, complaints, or allegations of sexual abuse. In the one instance where a complaint had been filed with USA Basketball that could have had an impact on the USOC, USA Basketball notified the USOC and kept the USOC informed of any developments, although this matter did not end up involving disciplinary action. We will continue to keep the USOC informed of such matters in the future. Since the U.S. Center for SafeSport opened, reports of sexual abuse are made to the Center directly by reporting parties or forwarded to the Center by USA Basketball if the complaint is made to USA Basketball.

**9. Has the USOC ever relayed to your NGB a report, complaint, or allegation of sexual abuse involving athletes or affiliates of your NGB?**

No, it has not.

**10. Does your NGB take interim measures, such as suspension, to prevent an individual from having contact with NGB athletes during the pendency of an investigation into that individual's conduct by law enforcement, the U.S. Center for Safe Sport, your NGB, or others? Please explain why or why not.**

**a. Has this practice changed over time? If so, please explain.**

Yes, USA Basketball has the authority to hold an expedited, emergency hearing to take immediate action on two fronts. First, in the case of a matter involving a SafeSport violation of a sexualized nature, the U.S. Center for SafeSport would have mandatory jurisdiction over such a matter, and the Center has a process for an interim suspension. For an alleged SafeSport violation that is not under the Center's jurisdiction, USA Basketball's SafeSport Hearing Panel has the ability to hold an expedited hearing and issue an interim suspension under its SafeSport policies, as described in the SafeSport Program Handbook.

The ability of USA Basketball to take emergency action has not changed in recent memory, except when the Center opened and took over jurisdiction for certain SafeSport complaints, and when, in 2017, USA Basketball moved to a SafeSport Hearing Panel for SafeSport hearings, rather than an ad hoc panel.

**11. Does your NGB require and perform background checks or other vetting of its athletes or affiliates?**

Yes, USA Basketball requires background checks for (i) youth coach licensees; (ii) Board members; (iii) Committee members; and (iv) individuals that USA Basketball formally authorizes, approves or appoints (a) to a position of authority over, or (b) to have frequent contact with athletes, including National Team coaches, support staff, and volunteers and other coaching and support staff for any USA Basketball National Team, select team, or camp/clinic.

USA Basketball does not currently require background checks of athletes. USA Basketball does not have individual members, but does invite athletes to USA Basketball events and to participate on the National Team, and is considering requiring background checks for these athletes.

**a. If so, please provide all policies and procedures produced or used by your NGB related to background checks or other vetting of its athletes or affiliates as well as a description of any changes made to those policies and procedures from 2005 to present.**

Please see Exhibits N-R, Bates Nos. USAB\_00000540-00000551, consisting of:

- Coach License Disqualifying Criteria (Exhibit N)
- Coach License Appeal Process (Exhibit O)
- SafeSport Program Handbook, pages 16-18 (Exhibit A1)
- USA Basketball Background Check & SafeSport Policy Flow Chart (Exhibit E)
- Internal procedures for coach license background checks (Exhibit P)
- Internal procedures for staff and Board member background checks (Exhibit Q)
- USA Basketball Staff duties for background checks (Exhibit R)



- b. If so, please describe the results of a background check or other vetting that would disqualify an individual from participating or otherwise being involved with your organization.**

Please see the documents referenced immediately above regarding the disqualifying criteria, specifically Exhibit N (coach license criteria), Exhibit Q, (internal procedures for staff and Board member background checks), and Exhibit A1, pages 16-18 (SafeSport Program Handbook discussion of background checks).

- 12. Copies of any independent audits, reviews, or investigations that have been conducted of your NGB or on its behalf regarding sexual abuse or related policies and procedures from 2005 to present, including but not limited to the 2017 SafeSport audit.**

Please see Exhibits S1-S2, Bates Nos. USAB\_00000552-00000564. USA Basketball received a single recommendation from the 2017 SafeSport audit and promptly updated its policies to implement that recommendation.

- 13. For any non-disclosure agreements, settlements, or other forms of resolution regarding sexual abuse in which your NGB was a party or was made aware, please provide the number of such agreements, settlements, and other forms of resolution for each year from 2005 to present.**

USA Basketball has not entered into any such non-disclosure agreements, settlement, or other forms of resolution, described above.

- 14. A detailed itemization of your NCB's annual budget.**

Please see Exhibit T, Bates Nos. USAB\_00000565-00000567, USAB's 2017-2018 financial statements.

- 15. Please provide the amount of funding that your NGB receives annually from the USOC and the percentage of your NCB's total funding that comes from the USOC.**

Approximately 7.5 percent (7.5%) of USA Basketball's budget comes from the USOC. Please see Exhibit T, Bates Nos. USAB\_00000565-00000567.

- a. Has the USOC ever suspended, decertified, or pulled funding from your NGB or threatened to suspend, decertify, or pull funding from your NGB? If so, explain the circumstances of such action, and provide the year such action occurred and the outcome.**

No, the USOC has never taken any of the above-described actions pertaining to USA Basketball.

In closing, USA Basketball commends, and fully supports, your action to ensure that athletes in the Olympic Family are protected. As you can see from our responses to your questions, USA

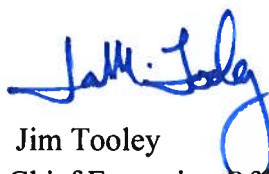
Basketball has been actively involved in bringing awareness to this issue and taking strong action to rid our sport of those who would hurt our athletes. USA Basketball is committed to this endeavor, and we look forward to working with you in the future on this important topic.

Please do not hesitate to contact us if you have additional questions.

Sincerely,



Gen. (R) Martin Dempsey  
Chairman  
USA Basketball



Jim Tooley  
Chief Executive Officer  
USA Basketball

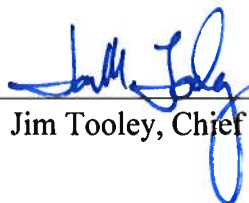
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### **CERTIFICATION**

I am the Chief Executive Officer of USA Basketball, and as such, am authorized to make the following certification. To the best of my knowledge, (1) a diligent search has been completed of all documents in USA Basketball's possession, custody, or control which reasonably could contain responsive documents; (2) documents responsive to the request have not been destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee since the date of receiving the Committee's request or in anticipation of receiving the Committee's request, and (3) all documents identified during the search that are responsive have been produced to the Committee, identified in a log provided to the Committee, as described in point 17 of the Instructions, or identified as provided in points 10, 11 or 12 of the Instructions.



Jim Tooley, Chief Executive Officer